

**STATE OF INDIANA – COUNTY OF FOUNTAIN
IN THE CIRCUIT COURTS**

**Notice of Amendments to Local Court Rules
May 12, 2011**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Fountain Circuit Court hereby gives notice to the bar and the public that the Court proposes to amend the current local rules concerning special judge appointment in civil and criminal cases at LR23-TR79-FLCR-17 and LR23-CR13-FLCR-08 for the Fountain Circuit Court, **effective July 1, 2011**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. [Supreme Court approval is required for Local Rules concerning Trial Rule 79 and Criminal Rule 13 and may not take effect until approved by the Supreme Court.]

The time period for the bar and the public to comment shall begin on May 13, 2011, and shall close on June 15, 2011. The proposed amendments to the rule will be adopted, modified or rejected before June 20, 2011; and, the final version of the rules will be submitted to the Indiana Supreme Court for review and approval.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Susan Orr Henderson, Judge of the Fountain Circuit Court, Attn: Public Comment on Local Rules, P.O. Box 97, Covington, Indiana.

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Fountain County, Fountain County Courthouse, 301 Fourth Street, Covington, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://www.courts.IN.gov/rules/local>

_____/S/_____
Susan Orr Henderson
Judge, Fountain Circuit Court

FOUNTAIN CIRCUIT COURT

SS
FOUNTAIN COUNTY _____

2005 TERM
IN THE MATTER OF
LOCAL RULE ~~PER T.R.79(H)~~ _____

23C01-0501-MI-TR79

ASSIGNMENT TO SPECIAL JUDGES

Pursuant to ~~Trial Rule 79 (h) of the Indiana Supreme Court~~ TR 79, the Fountain Circuit Court makes the following rules regarding the reassignment to ~~special judges~~ Special Judges in all matters other ~~then~~ than criminal ~~causes in the Fountain Circuit Court~~ cases:

(a) 1- ~~The following individuals have been contacted by the Court and have agreed to serve in the event it becomes necessary to reassign a civil case, or other matter in which a special judge may be~~ panel shall serve as Special Judge where appointed, other than a criminal case ~~pursuant to TR 79(H), to be selected alphabetically by last name of Judge, in rotating order as follows:~~

Hon. David A. Ault, or Judge, of Montgomery Superior Court, # 1

Hon. ~~Vincent F. Grogg, Senior~~ Peggy Lohorn, or Judge, of Montgomery Superior Court # 2

Hon. Robert M. Hall, Judge, Senior Judge, ~~Hon.~~ John Rader, or Judge of the Warren Circuit Court

Hon., Harry A. Siamas, or ~~Hon.~~ Peggy Lohorn, Judge of the Montgomery County Court, and ~~Hon.~~ Thomas K. Milligan, Judge of ~~the~~ Montgomery Circuit Court.

~~2-) Said contact was made after an opportunity of consulting with other judges in the administrative district for the Fountain~~ Hon. ~~Circuit Court per ADR 3 (a) and after considering~~

~~the effective use of judicial resources within said administrative district, and the accessibility of said judges per T.R..79(j).~~

3) Accordingly, the Court now names the following panel to serve as special judge per T.R..79(h): **Sam A. Swaim, or Judge of Parke Circuit Court**

~~**Hon. Hon.** David A. Ault, Hon. Vincent F. Grogg, Senior Judge, Hon. Robert M. Hall, Senior Judge, Hon. John Rader, Hon. Peggy Lohorn, and Hon. Thomas K. Milligan, to be selected as required on a rotating basis in alphabetical order.~~

4) **Bruce V. Stengel, or Judge of Vermillion Circuit Court**

~~**In the event the Judge** disqualifies herself in any proceeding, other than a criminal cause, involving the Wallace law firm in which the **selected above is disqualified, ineligible or excused from service, the next** Judge has determined she has a conflict of interest, the cause **in order** shall immediately be assigned to Senior Judge Vincent F. Grogg. Should Sr. Judge Grogg be unable to serve for whatever reason, the procedure specified herein shall be used for the selection of a special judge with the exception that Sr. Judge Grogg shall be removed for the rotation.~~

~~5) **be appointed.** In the event no judge is available to serve as special judge for the assignment or reassignment of a civil case or other matter in which a special judge may be named, **Judge is eligible to serve as Special Judge, then** such case shall then be certified to the ~~Indiana~~ Supreme Court for the appointment of a special judge; in the event the presiding judge in a civil matter per this rule should conclude that the unique circumstances presented by the case requires the appointment of a special judge by the Indiana Supreme Court, the presiding judge may request the Indiana Supreme Court for such appointment. **Special Judge.**~~

~~(a) So ORDERED this 3rd day of January 2005.~~

~~(a)~~

~~(b)~~

~~(c)~~

~~(d) _____~~

~~(e) _____ Judge, Fountain Circuit Court~~

~~(f)~~

(b) In the event the presiding Judge herein shall disqualify or recuse pursuant to Ind.Trial Rule 79(C) in any proceeding, other than a criminal

case, the cause shall be assigned in accordance with the procedure outlined in Ind. Trial Rule 79(D), (E), and (H).

The Judges named in this rule have all been consulted and agree to the procedures set forth in this rule.

(Effective July 1, 2011)

FOUNTAIN CIRCUIT COURT

SS:

FOUNTAIN COUNTY 2005 TERM

~~IN RE~~ LOCAL RULE

PER C. R.2.2 23C01-0501-MI-13

Pursuant to C. R. 2.2 of the Indiana Supreme Court, the Fountain Circuit Court makes the following rule regarding reassignment to special judges in the Fountain Circuit Court:

REASSIGNMENT TO SPECIAL JUDGE

 The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Fountain Circuit Court: ~~Hon. Robert M. Hall, Senior Judge, Hon. John Rader, Judge, Warren Circuit Court, Hon. Bruce V. Stengel, Judge, Vermillion Circuit Court, Hon. Vincent F. Grogg, Senior Judge, Hon. David Ault, Judge, Montgomery Superior Court, and Hon. Thomas Milligan, Judge, Montgomery Circuit Court, Hon. Sam Swaim, Judge, Parke Circuit Court.~~

Hon. David A. Ault, or Judge of Montgomery Superior Court # 1

Hon. Peggy Lohorn, or Judge of Montgomery Superior Court # 2

Hon. John Rader, or Judge of the Warren Circuit Court

Hon. Harry A. Siamas, or Judge of Montgomery Circuit Court

Hon. Sam A. Swaim, or Judge of Parke Circuit Court

Hon. Bruce V. (a) Stengel, or Judge of Vermillion Circuit Court

By order of adoption of these Rules, the Indiana Supreme Court, pursuant to I. C. 33-2.1-7-8, temporarily transfers ~~to the~~ above ~~judges~~ Judges to the Fountain Circuit Court for the purpose of reassignment of felony ~~and/or~~ misdemeanor cases.

~~(b)~~ In the event it becomes necessary to reassign a felony or misdemeanor case, the ~~judges~~ Judges will be reassigned in consecutive order to the above ~~named judges~~ noted Judges.

~~(e)~~ In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall then be certified to the Indiana Supreme Court for the

appointment ~~on~~of a special judge.— In the event the judge presiding in a felony or misdemeanor case concludes the unique circumstance presented in such proceeding ~~require~~requires appointment by the Indiana Supreme Court of a special judge, this presiding ~~Judge~~judge may request the Indiana Supreme Court for such appointment.

~~So ORDERED this 3rd day of January 2005.~~

~~Judge, Fountain Circuit Court~~

(As Amended effective July 1, 2011.)